

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC PONDER,
Plaintiff

v.

SCOTT FINLEY, et al.,
Defendants

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:
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No. 1:21-cv-00718

(Judge Kane)

ORDER

AND NOW, on this 21st day of April 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. The complaint (Doc. No. 1) is **DISMISSED** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1). This dismissal is **WITHOUT PREJUDICE** to Plaintiff's right to file a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 raising his Eighth Amendment claims seeking home confinement based upon the COVID-19 pandemic;
2. The Clerk of Court is directed to mail Plaintiff this Court's form used for seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241;
3. The Financial Administrator for the United States District Court for the Middle District of Pennsylvania is directed to issue Plaintiff a refund in the amount of \$402.00; and
4. The Clerk of Court is directed to **CLOSE** the above-captioned action.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania